

T. S. No. 142 of 2022

Regd. 121/2022

( J.O. Code-WB00823 )

Order no.12 dated 14-02-2023

Today is fixed for hearing of the application under Order 39 Rule 1 and 2 CPC dated 19.07.2022 filed by the plaintiff.

The said application is taken up for hearing along with the objection filed thereto filed by the defendant in the presence of ld advocates for both the sides.

The ld advocate on behalf of the plaintiff submits that the plaintiff and defendants are running the business jointly but the defendant is disturbing in the running of the business and possession of the property by the plaintiff and the plaintiff therefore prays for an order of injunction.

The Ld advocate on behalf of the defendant raises strong objection.

Heard both sides.

Considered.

Perused the application under order 39 rule 1 and 2 CPC and other documents filed on record.

Hd. Both sides. Perused the document. Considered.

In my considered view none of the parties will be prejudiced if both the parties are directed to maintain an order of status quo in respect of nature, character and possession of the suit property till disposal of the suit.

Hence, it is,

ORDERED

that both the parties are directed to maintain an order of status quo in respect of nature, character and possession of the suit property till the disposal of the suit.

The application under Order 39 Rule 1 and 2 CPC is thus disposed of on contest.

**Sd/- Sushmita Gayen**

(Civil Judge, Sr. Divn., Kakdwip)

D/C

**Sd/- Sushmita Gayen**

(Civil Judge, Sr. Divn., Kakdwip)

Later:

The record is taken up for framing of issues.

Issues are framed in separate sheet of paper.

Since it is a mandate to comply Section 89 of the CPC hence, both the parties are apprised of the various modes of ADSR but the parties do not agree to any of the modes, hence, I am of the view that the parties should attend before the mediator for mediation.

Hence, parties are directed to attend mediation as provided.

To 21.03.2023 for mediation report.

**Sd/- Sushmita Gayen**

(Civil Judge, Sr. Divn., Kakdwip)

D/C

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(Civil Judge, Sr. Divn., Kakdwip)